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14 UNITED STATES DISTRICT COURT
15 CENTRAL DISTRICT OF CALIFORNIA

16 AMBER DOE,

17 Plaintiff,

18 v.

19 MICHAEL LEWIS GOGUEN et al.,

20 Defendants.

Case No. 2:23-cv-02280-MEMF-SK

Hon. Maame Ewusi-Mensah Frimpong
Referral: Hon. Steve Kim

**DEFENDANT MICHAEL LEWIS
GOGUEN'S *EX PARTE*
APPLICATION FOR ORDER
SEALING AMBER DOE'S FILINGS
AT ECF NOS. 23, 25, 27, 28, 30, 30-1,
30-2, 30-3, 30-4, 30-5, and 31**

[[Proposed] Order and Declaration of
Kyle Batter submitted concurrently
herewith]

EX PARTE APPLICATION

TO ALL PARTIES AND TO THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that, pursuant to Local Rule 7-19, Defendant Michael Lewis Goguen, hereby applies *ex parte* for an order sealing Plaintiff Amber Doe’s filings in this matter at ECF Nos. 23, 25, 27, 28, 30, 30-1, 30-2, 30-3, 30-4, 30-5, and 31 (collectively, “Baptiste’s Filings”).

This application is made on the grounds that compelling reasons exists to seal Baptiste’s Filings under applicable law, including that their contents violate the express terms of an active Civil Harassment Restraining Order issued by the San Mateo Superior Court on March 6, 2023 (the “Restraining Order”). (Declaration of Kyle Batter filed herewith, Exhibit A.) This is the *third* application to seal required by Baptiste’s flouting of the Restraining Order. The Court has granted the two other applications. (ECF Nos. 9, 17.)

Specifically, on April 6, 2023, this Court issued an Order granting Goguen’s application to seal Baptiste’s Complaint on the basis that its contents violate the Restraining Order and further Ordered Goguen to prepare a redacted version of the Complaint for the public docket. (ECF No. 9.) On April 13, 2023, the Court accepted the proposed redactions to the Complaint and granted Goguen’s application to file the unredacted Complaint under seal. (ECF No. 11.) The next day, the Court ordered Baptiste to show cause why her Complaint should not be dismissed as “frivolous or malicious” and for failure to state a viable cause of action (“Order to Show Cause”) (ECF No. 12). The Order to Show Cause specifically admonished Baptiste that her filing must not “include any sexually explicit or salacious content of any kind, and must not reference (directly or indirectly) statements that are subject to the [Restraining Order].” (*Id.*)

Like the Complaint, Baptiste’s Filings here contains numerous statements in clear violation of the Restraining Order. As this Court has recognized through its previous orders, the presumption of public access attached to a pleading is overridden

1 where, as here, the “files might have become a vehicle for improper purposes,” *Nixon*
2 *v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978), or are used to “promote public
3 scandal, circulate libelous statements, or release trade secrets,” *Johnson v. Cnty of San*
4 *Bernardino*, 2021 WL 9720772, at *1 (C.D. Cal. Mar. 30, 2021) (quoting *Kamakana*
5 *v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006)).

6 Counsel contacted Baptiste regarding her violations of the Restraining Order,
7 informed her that Baptiste’s Filings constitute a violation, and provided notice of this
8 *ex parte* application. (Batter Decl., Ex. B.)

9
10 DATED: May 16, 2023

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

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13 By /s/ Bruce Van Dalsem
14 *Attorneys for Defendant Michael Goguen*
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **PRELIMINARY STATEMENT**

3 For years, Amber Baptiste has incessantly harassed Michael Goguen and
 4 published false and defamatory statements about him. As a result, the San Mateo
 5 Superior Court has issued not one, but two restraining orders against Baptiste.
 6 Evidently displeased with those orders, Baptiste filed a Complaint in the Central
 7 District of California, bringing more than 240 claims against nearly 200 defendants,
 8 including Goguen. Baptiste's Complaint is nothing more than a vehicle to improperly
 9 repeat all of her incendiary statements about Goguen that the San Mateo Superior
 10 Court found—after a trial on the merits—are false, and that the court restrained her
 11 from making.

12 The legal and factual issues presented by this application are the very same as
 13 those set forth in Goguen's prior *ex parte* application to seal the Complaint (ECF No.
 14 5) and application to seal Baptiste's TRO Application (ECF No. 16), both of which
 15 were granted by this Court. (ECF Nos. 9, 17). Here again—for the third time—
 16 Baptiste's papers (specifically her filings at ECF Nos. 23, 25, 27, 28, 30, 30-1, 30-2,
 17 30-3, 30-4, 30-5, and 31 (collectively, "Baptiste's Filings")) constitute a clear
 18 violation of the Restraining Order issued by the San Mateo Superior Court (the
 19 "Restraining Order"), which enjoins Baptiste from repeating "false and defamatory
 20 statements, under her own name or under any pseudonym" that she had previously
 21 made against Goguen. Baptiste's continuing attempts to use this Court's public
 22 docket to broadcast salacious, false, defamatory, and debunked allegations will cause,
 23 and is causing, irreparable harm to Goguen. An Order sealing Baptiste's Filings will
 24 alleviate that harm and is supported by "compelling reasons." "Compelling reasons
 25 to seal are generally found where documents, if made part of the public record, 'might
 26 ... become a vehicle for improper purposes.'" *Cat Coven LLC v. Shein Fashion Grp.,*
 27 *Inc.* 2019 WL 10856813, at *1 (C.D. Cal. Dec. 20, 2019) (quoting *Nixon v. Warner*
 28 *Commc'ns, Inc.*, 435 U.S. 589, 598 (1978)). Baptiste's continuing violation of the

1 Restraining Order remains an “improper purpose” justifying relief.

2 BACKGROUND

3 I. Goguen Prevailed Against Baptiste in the San Mateo Superior Court

4 On March 8, 2016, Baptiste filed a complaint in the San Mateo Superior Court
5 against Goguen for breach of contract. (Batter Decl., ¶ 2.) On March 14, 2016,
6 Goguen filed a cross-complaint for, among other things, extortion, fraud, and a civil
7 restraining order. (*Id.*) Following a trial on the merits, the San Mateo Superior Court
8 issued its Final Statement of Decision on January 24, 2020, finding that Baptiste
9 extorted and defrauded Goguen. (*Id.*) The San Mateo Superior Court also found in
10 Goguen’s favor on his claim for the issuance of a civil harassment restraining order,
11 where the Court ordered that Baptiste was restrained from repeating eighteen
12 enumerated false and defamatory statements. (*Id.*) On March 6, 2023, following
13 Goguen’s application to renew the restraining order, and for good cause shown, the
14 San Mateo Superior Court issued the renewed Restraining Order. (*Id.*, Ex. A.)

15 II. Baptiste Filed a False and Retaliatory Complaint

16 Baptiste filed her Complaint in this action on March 28, 2023, only weeks after
17 the San Mateo court granted Goguen’s application for the renewed Restraining Order.
18 (ECF No. 1.) Baptiste’s retaliatory 1,753-page *pro se* Complaint purports to bring
19 244 claims against more than 150 named defendants (Baptiste continually purports to
20 add additional defendants by email, so the number is constantly increasing). The
21 defendants include Goguen, numerous judges throughout the country (including
22 Judge Danny Chou of the San Mateo Superior Court), the United States of America,
23 Orange County, the U.S. Mint, the NFL, Microsoft, BMW, Ford, Mercedes, Boeing,
24 GMC, Tesla, Chevron, Apple Music, Bill Gates, Jeff Bezos, “Cruise Ships,” “Rock
25 Stars,” the list goes on. (*Id.* at 3-19.)

26 The Complaint and its attachments contain numerous false allegations about
27 Goguen that are subject to the Restraining Order. Since filing her Complaint, Baptiste
28 has circulated it via email to dozens of individuals, further violating the Restraining

Order and exacerbating the harm to Goguen. (Batter Decl., ¶ 4.) Because the contents of Baptiste’s Complaint contained numerous violations of the Restraining Order, Goguen requested that it be placed under seal and the Court granted the request. (ECF Nos. 5, 9 & 11.)¹

III. The Court Issued an Order to Show Cause

On April 14, 2023, the Court issued an Order to Show Cause as to why Baptiste’s Complaint should not be “dismissed because the complaint is ‘frivolous or malicious,’ ‘fails to state a claim on which relief may be granted,’ and ‘seeks monetary relief against a defendant who is immune from such relief.’” (ECF No. 12.) The Court ordered that Baptiste respond by April 28, and that her response “*must not reference* (directly or indirectly) statements that are the subject of the civil harassment restraining order issued by the San Mateo County Superior Court on March 6, 2023.” (*Id.* (emphasis added).) The Court made clear that “[f]ailure to comply with these instructions . . . *will* lead to involuntary dismissal of the action for lack of prosecution and violating court orders.” (*Id.* (emphasis added).)

IV. Baptiste Failed to Comply with the Court’s Order to Show Cause

On April 28, 2023, Baptiste filed a response (“Baptiste’s Response” at ECF 23), but it does not comply with the Court’s Order to Show Cause. As an initial matter, Baptiste’s Response (1) did not articulate how her Complaint is not frivolous or malicious, (2) did not articulate how each of her 244 claims are properly plead (i.e., she did not explain how her claims do not fail to state a claim on which relief may be granted), and (3) did not articulate how her Complaint can permissibly seek monetary relief against those defendants who are immune from such relief. Additionally,

¹ That was not the only time the Court sealed Baptiste’s filings for violating the Restraining Order. On Monday, April 17, 2023, Baptiste filed what she purported was a TRO application. (ECF Nos. 13, 14.) Because, like the Complaint, the contents of the application and supporting papers contained numerous violations of the Restraining Order, Goguen requested that they be placed under seal and the Court granted the request. (ECF Nos. 16, 17, & 19.)

1 Baptiste's Response continually and impermissibly made false allegations that are the
 2 subject of the Restraining Order. Specifically, Baptiste's Response contains the
 3 following statements, each of which violates the Restraining Order and the Court's
 4 Order to Show Cause in this action:

- 5 • Notwithstanding that the Restraining Order prohibits Baptiste from falsely
 6 claiming that "Goguen engaged in human trafficking [or] sex trafficking"
 7 (Batter Decl., Ex. A at Attachment 11), Baptiste's Response falsely claims
 8 that (1) Goguen engages in "trafficking and victimization of girls and
 9 women," (2) Goguen engages in a "Sex trafficking conspiracy," (3) Goguen
 10 is "her trafficker and abuser," (4) Goguen is a "notorious human trafficker
 11 and predator of girls and women," (5) Goguen is "an International Sex
 12 trafficker," (6) "traffickers like Goguen" are allowed "to operate covertly
 13 for decades," and (7) Baptiste will have Goguen "Extradited under the laws
 14 of Canada And the United Kingdom where he trafficked and Violated
 15 Amber as a victim of his Sex trafficking conspiracy." (ECF No. 23 at 6, 7,
 16 8, 9, 10, 11.)
- 17 • Notwithstanding that the Restraining Order prohibits Baptiste from falsely
 18 claiming that "Goguen stalked or harassed Baptiste" (Batter Decl., Ex. A at
 19 Attachment 11), Baptiste's Response falsely claims that "defendants
 20 relentlessly stalk Amber and Post men at the PO box to harass and intimidate
 21 Amber for the last 9 years," and Goguen has hired investigators to engage
 22 in "relentless stalking[,] intimidation[,] and malice." (ECF No. 23 at 11.)
- 23 • Notwithstanding that the Restraining Order prohibits Baptiste from falsely
 24 claiming that "Goguen kept Baptiste as a sex slave" (Batter Decl., Ex. A at
 25 Attachment 11), Baptiste's Response falsely claims that she was "being held
 26 captive in plain sight by her trafficker and abuser [Goguen]." (ECF No. 23
 27 at 11.)
- 28 • Notwithstanding that the Restraining Order prohibits Baptiste from falsely

1 claiming that “Goguen raped, sodomized, or abused Baptiste” (Batter Decl.,
 2 Ex. A at Attachment 11), Baptiste’s Response falsely claims that she “needs
 3 two major surgeries to attempt to repair her body from the grievous bodily
 4 injuries caused by Defendant [Goguen] and his agents.” (ECF No. 23 at 9.)

- 5 • Notwithstanding that the Restraining Order prohibits Baptiste from falsely
 6 claiming that “Goguen bribed the Court, attorneys, or law enforcement”
 7 (Batter Decl., Ex. A at Attachment 11), Baptiste’s Response falsely claims
 8 that various judges accepted “bribes from defendant [Goguen] and his
 9 agents, allowed a fake trial to proceed and signed away Ambers life, liberty
 10 and freedom to her trafficker and abuser for all time”; “Judges and law
 11 enforcement are arms of the government they are not immune for being
 12 investigated by the Department of Justice they have no immunity when
 13 committing crimes and taking bribes from powerful defendants”; and
 14 “Amber did not state that the Judges made a legal error, she stated they were
 15 bribed by the defendant [Goguen] and his lawyers that are relentless in their
 16 criminality.” (ECF No. 23 at 6, 8, 9.)

17 Baptiste’s Response thus violates the Court’s Order that her response “*must not*
 18 *reference* (directly or indirectly) statements that are the subject of the civil harassment
 19 restraining order issued by the San Mateo County Superior Court on March 6, 2023.”
 20 (ECF No. 12 (emphasis added).) Consistent with the Court’s directive that Baptiste’s
 21 “[f]ailure to comply with these instructions . . . *will* lead to involuntary dismissal of
 22 the action for lack of prosecution and violating court orders,” Baptiste’s Complaint
 23 should be dismissed with prejudice. (*Id.* (emphasis added).)

24 **V. Baptiste’s Additional Filings Violate the Restraining Order**

25 Since filing her deficient Response to the Court’s Order to Show Cause (ECF
 26 No. 23), Baptiste has filed *thousands* of additional pages of documents that violate
 27 the Restraining Order. (ECF Nos. 25, 27, 28, 30, 30-1, 30-2, 30-3, 30-4, 30-5, and 31
 28 (with ECF No. 23, “Baptiste’s Filings”).) Baptiste’s Filings falsely claim—in direct

1 contravention of the Restraining Order—that Goguen “is a rapist a trafficker a
 2 pedophile and a serial rapist and a murderer” (ECF No. 28 at 49; *see also id.* at 69,
 3 119, 149, 233; ECF No. 30 at 2; ECF No. 31 at 2); “Goguen solicited . . . Amber’s
 4 murder” (ECF No. 28 at 51; *see also id.* at 88, 89, 112, 117, 118, 121; ECF No. 30 at
 5 95, 98; ECF No. 31 at 2); Goguen is a “Serial rapist, trafficker, pedophile and
 6 psychopath” (ECF No. 25 at 3; *see also id.* at 32; ECF No. 27 at 5; ECF No. 28 at 7,
 7 18, 21, 22, 32); “Amber Doe remains enslaved to her trafficker Michael Lewis
 8 Goguen” (ECF No. 30 at 2; ECF No. 31 at 2); “Michael Goguen is a SEX
 9 TRAFFICKER” (ECF No. 28 at 23; *see also id.* at 32; ECF No. 30-1 at 5); “Goguen
 10 hired [third parties] to stalk Amber Doe” (ECF No. 25 at 3; *see also* ECF No. 28 at 5,
 11 28, 32, 35, 37, 45, 46, 119; ECF No. 30 at 2, 76; ECF No. 31 at 2); Goguen
 12 “intentionally infects his slaves with STDS,” (ECF No. 28 at 22; *see also id.* at 34,
 13 37; ECF No. 30 at 70, 81); Goguen’s wife is a “Las Vegas prostitute” (ECF No. 30-1
 14 at 1); Goguen “violated and raped Amber Doe” (ECF No. 25 at 3; *see also* ECF No.
 15 28 at 18, 22, 27, 31, 32, 35); Goguen has engaged in “bribery of the judiciary” and
 16 “bribery of law enforcement” (ECF No. 28 at 5; *see also id.* at 112, 127, 247, 294,
 17 297; ECF No. 30 at 2, 3; ECF No. 31 at 2); “Hon. Danny Chao was bribed and
 18 tampered with By Goguen and Quinn Emanuel” (ECF No. 28 at 109; ECF No. 30 at
 19 153).²

20 ARGUMENT

21 Notwithstanding a general presumption of public access to judicial filings, it is
 22 “uncontested . . . that the right to inspect and copy judicial records is not absolute.”
 23 *Nixon*, 435 U.S. at 598. Rather, “[e]very court has supervisory power over its own
 24 records and files, and access has been denied where court files might have become a
 25 vehicle for improper purposes,” including filings “used to gratify spite or promote
 26 _____

27 ² This non-exhaustive list represents a *tiny* fraction of the *thousands* of statements
 28 by Baptiste in her recent Filings that violate the Restraining Order and this Court’s
 Order to Show Cause.

1 public scandal.” *Id.* (internal citations omitted). This authority follows from the
 2 bedrock principle that “certain implied powers must necessarily result in our Courts
 3 of justice from the nature of their institution.” *Chambers v. NASCO, Inc.*, 501 U.S.
 4 32, 43 (1991) (internal citations omitted). A “party satisfies its burden for sealing
 5 documents ... when the party presents compelling reasons supported by specific
 6 factual findings.” *Cat Coven LLC*, 2019 WL 10856813, at *1 (internal citations
 7 omitted). Compelling reasons “are generally found where documents, if made part of
 8 the public record, ‘might ... become a vehicle for improper purposes,’” *Id.* (quoting
 9 *Nixon*, 435 U.S. at 598 (emphasis added)), or where the documents would “promote
 10 public scandal, circulate libelous statements, or release trade secrets,” *Johnson v. Cnty*
 11 *of San Bernardino*, 2021 WL 9720772, at *1 (C.D. Cal. Mar. 30, 2021) (quoting
 12 *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006)
 13 (emphasis added)). A court must “articulate the factual basis for its ruling, without
 14 relying on hypothesis or conjecture,” but the decision on whether to seal remains “one
 15 best left to the sound discretion of the trial court, a discretion to be exercised in light
 16 of the relevant facts and circumstances of the particular case.” *Hagestad v. Tragesser*,
 17 49 F.3d 1430, 1434 (9th Cir. 1995) (internal citations omitted).

18 Like her Complaint and TRO Application—both sealed by the Court—
 19 Baptiste’s Filings contain thousands of statements that violate the Restraining Order.
 20 (*See Supra* at 4-6.) For the avoidance of any doubt, all of these claims are false. But
 21 what matters for purposes of this application to seal is that they are improper, libelous,
 22 and prohibited by the Restraining Order. Sealing Baptiste’s Filings are necessary to
 23 prevent Baptiste from using the power of this Court’s public docket to spread
 24 incendiary claims that have already been determined to be false and defamatory. Of
 25 course, sealing these filings does not prevent Baptiste from properly petitioning the
 26 Court for relief; it simply removes Baptiste’s false and defamatory statements from
 27 the public docket while the Court assesses the filings on their (lack of) merit. At
 28 minimum, preventing Baptiste from openly flouting the Restraining Order with such

1 claims constitutes a “compelling reason” to seal. *See Johnson*, 2021 WL 9720772, at
2 *1; *Kamakana* 447 F.3d at 1179; *Cat Coven LLC*, 2019 WL 10856813, at *1; *Nixon*,
3 435 U.S. at 598.

4 CONCLUSION

5 For the foregoing reasons, Goguen respectfully requests that the Court grant
6 this *ex parte* application and direct the Clerk of Court to seal ECF Nos. 23, 25, 27, 28,
7 30, 30-1, 30-2, 30-3, 30-4, 30-5, and 31. Goguen respectfully requests that the Court
8 seal these filings in their entirety and afford Goguen an opportunity to provide
9 redactions consistent with the Restraining Order—the same protocol adopted by the
10 Court in response to the application to seal Baptiste’s Complaint and TRO application.

11 Further, consistent with the Court’s directive that Baptiste’s “[f]ailure to
12 comply with these instructions [in the Order to Show Cause] . . . will lead to
13 involuntary dismissal of the action for lack of prosecution and violating court orders,”
14 Baptiste’s Complaint should be dismissed with prejudice. (ECF No. 12 (emphasis
15 added).)

16
17 DATED: May 16, 2023

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

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19
20 By: /s/ Bruce Van Dalsem

Bruce Van Dalsem

Attorneys for Defendant Michael Goguen